

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**FIRST APPEAL NO. 54 OF 1991
WITH
CROSS-OBJECTION ST. NO. 1858 OF 2015**

The State of Maharashtra .. Appellant
Versus
Ramdas Bhikaji Satpute & Ors. .. Respondents

Mr.S.P. Sonpawale, A.G.P. for the appellant.
Mr.R.R. Mantri, Advocate for the respondents.

**CORAM : A.V.NIRGUDE, J
DATED : 19.09.2016**

P.C. :-

1. This first appeal is filed by the State of Maharashtra challenging the judgment and award dated 10th April, 1987 passed by the learned Civil Judge, Senior Division, Ahmednagar. Similar appeals were filed and were numbered as First Appeal Nos.52, 53, 55 to 57 of 1991, in which cross objections were also filed. Except present appeal, all remaining appeals were taken up for hearing finally and were disposed of by the judgment dated 6th October, 2008. The Division Bench of this Court allowed the appeals on technical ground and remanded the cases back to the Reference Court. This appeal was dismissed for non-prosecution earlier and

therefore, it was not taken up for final hearing on 6th October, 2008. Nonetheless, the cross-objection of the respondent remained pending till today.

2. On the ground of parity, in my view, not only the first appeal deserves to be restored, but also deserves to be allowed in terms of judgment and order dated 6th October, 2008. For the reasons mentioned in the judgment dated 6th October, 2008, I allow the first appeal and set aside the impugned judgment and award of the Reference Court dated 10th April, 1987 and the case is remanded back to the Lower Court for decision afresh in accordance with law. The Court shall take up the case as expeditiously as possible. The amount so far received by the respondent/claimant shall be adjusted towards the compensation that would be decided.

3. In view of this, the cross-objection has served its purpose and stands disposed of accordingly.

[A.V.NIRGUDE, J.]